

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.198/2002

Tuesday this the 2nd day of April, 2002

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

Mohanarajan S.
Assist.Enforcement Officer
Calicut residing at Flat No.6,
Yamuna Apartments,
87, Habibullah Road,
T.Nagar, Chennai.17.

...Applicant

(By Advocate Mr.K.Ramakumar (rep.by Mrs.Sunita Varma)

V.

1. Union of India, represented by
Secretary to Ministry of Finance,
New Delhi.
2. Director of Enforcement,
Government of India,
Ministry of Finance,
6th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.
3. Assistant Director,
Enforcement Directorate,
Calicut.

...Respondents

(By Advocate **Mr. R. Madanan Pillai, ACGSC**)

The application having been heard on 2.4.2002, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who was inflicted with the
penalty of removal from service by an order dated
31.7.1990 preferred an appeal on 15.4.91. Alleging that
the above appeal has not been disposed of serving an
order on the applicant, the applicant has filed this
application seeking a direction to the respondents to
dispose of the appeal filed by him forthwith and to
direct the respondents to serve a copy of the order if
the appeal has already been disposed of.

Contd.....

2. Shri R.Madanan Pillai took notice on behalf of the respondents. We have heard Smt. Sunita Varma, learned counsel for the applicant and Shri R.Madanan Pillai, learned counsel for the respondents. Shri Madanan Pillai argued that the application cannot be entertained at this distance of time as the same has been hopelessly barred by limitation. We find force in this argument. If the applicant had not received an order in appeal submitted by the applicant on 15.4.1991, after waiting for a period of six months he should have approached the Tribunal with an application within a period of one year from that date. Having not done so, the cause of action of the applicant has been lost and the application has become barred by limitation according to the provisions contained in Section 21 of the Administrative Tribunals Act, 1985. The application is therefore, rejected under Section 19(3) of the Administrative Tribunals Act.

Dated the 2nd day of April, 2002



T.N.T. NAYAR
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

A P P E N D I X

(s)

Applicant's Annexures:

1. A-I : True copy of the order dt.31.7.90 issued to the applicant, bearing No.C-3/10/89.
2. A-II: True copy of the appeal presented by the applicant before the appellate authority dtd. 15.4.91.
3. A-III: True copy of the Judgement dtd.27.3.91 in OA No. 277 of 1991.

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4.4.02